

**No. 24-13819**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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**Amazon.com Services, LLC**

*Petitioner,*

*vs.*

**National Labor Relations Board**

*Respondent.*

Petition for Review and Application for Enforcement of an Order of the  
National Labor Relations Board

Case Nos. 29-CA-280153, 29-CA-286577, 29-CA-287614, 29-CA-290880,  
29-CA-292392, and 29-CA-295663

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**MOTION FOR LEAVE TO INTERVENE**

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## **CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT**

Proposed Intervenor Amazon Labor Union No. 1, International Brotherhood of Teamsters (“ALU-IBT Local 1” or “Union”), pursuant to Eleventh Circuit Rule 26.1, submits this Certificate of Interested Parties and Corporate Disclosure statement.

The Union has no corporate parents/affiliates or subsidiaries, and does not issue stock.

In addition to the persons listed in Petitioner’s and the NLRB’s Certificates of Interested Persons (Dkt. Nos. 3 & 16), the following persons have an interest in the outcome of this particular case.

1. Amazon Labor Union No. 1, International Brotherhood of Teamsters  
(Charging Party and Proposed Intervenor)
2. Braswell, D. Marcus (Counsel for Proposed Intervenor)
3. Bredhoff & Kaiser, PLLC (Counsel for Proposed Intervenor)
4. Burden, Willie M. (Counsel for Proposed Intervenor)
5. Bush Gottlieb, ALC (Counsel for Proposed Intervenor)
6. De Haro, Hector (Counsel for Proposed Intervenor)

7. Dickinson, Julie Gutman (Counsel for Proposed Intervenor)
8. Gleason, Jr., Edward M. (Counsel for Proposed Intervenor)
9. Griffin, Richard (Counsel for Proposed Intervenor)
10. Herzfeld, Suetholz, Gastel, Leniski and Wall, PLLC (Counsel for Proposed Intervenor)
11. International Brotherhood of Teamsters
12. Julien, Mirer & Associates PLLC (Counsel for Proposed Intervenor)
13. Mirer, Jeanne (Counsel for Proposed Intervenor)
14. Newport, Pamela M. (Counsel for Proposed Intervenor)
15. Suetholz, David O'Brien (Counsel for Proposed Intervenor)
16. Sugarman Susskind Braswell & Herrera (Counsel for Proposed Intervenor)
17. Taylor, Luke (Counsel for Proposed Intervenor)
18. Teamsters Amazon National Negotiating Committee

19. Wojciechowski, Jason (Counsel for Proposed Intervenor)

Dated: December 19, 2024



Julie Gutman Dickinson

Bush Gottlieb, ALC

*Attorneys for Proposed Intervenor*

*Amazon Labor Union–International*

*Brotherhood of Teamsters Local 1*

## MOTION FOR LEAVE TO INTERVENE

Amazon Labor Union No. 1, International Brotherhood of Teamsters (“ALU-IBT Local 1”), the Proposed Intervenor in this matter, hereby moves for an order permitting it to intervene in this proceeding, through which Petitioner Amazon.com Services, LLC (“Amazon”) seeks to have the Court invalidate an order from the National Labor Relations Board (“NLRB”) finding that Amazon violated the National Labor Relations Act (“NLRA”) and interfered with employees’ unionization efforts by threatening employees and by discriminatorily enforcing its no solicitation policy. Intervention is sought under Federal Rule of Appellate Procedure 15, and is timely because it is filed within 30 days after Amazon filed its petition for review.

The underlying unfair labor practice charge that led to the challenged order from the NLRB was filed by the Amazon Labor Union (“ALU”). Declaration of David Suetholz (“Suetholz Dec.”) ¶ 3. Amazon employees at Amazon’s JFK8 facility in Staten Island, New York, formed the ALU in April 2021 and began a union organizing campaign at the JFK8 facility and at the nearby LDJ5 facility. *Id.* ¶ 2. As found by the NLRB, Amazon thereafter began to discriminatorily enforce its no-solicitation policy, and to hold mandatory meetings where it espoused its anti-union views and made threats violative of the NLRA. Dkt. No. 1-1 at p. 5 fns. 3-5. These violations had their intended effect and drove employees away from the

unionization efforts, chilling their exercise of their rights under the NLRA, and making it much more difficult for the ALU to build up its base of support. Suetholz Dec. ¶ 4. The ALU ultimately lost the election at LDJ5. *Id.* ¶ 5. At JFK8, however, employees’ organizing was able to overcome Amazon’s unfair labor practices and employees voted in favor of representation by the ALU on April 1, 2022. *Id.* Amazon delayed its duty to bargain with employees by filing voluminous objections to the election, all of which were ultimately overruled by the NLRB, who then certified the ALU as employees’ representatives on January 11, 2023. *Id.*

On June 3, 2024, the ALU affiliated with the International Brotherhood of Teamsters (“IBT”) and became the Amazon Labor Union No. 1, International Brotherhood of Teamsters. *Id.* ¶ 6. Proposed Intervenor ALU-IBT Local 1 is thus the successor in interest to charging party Amazon Labor Union. *Id.* ¶ 7. As the successful charging party, Proposed Intervenor is entitled to intervention in this proceeding. *Auto Workers Local 283 v. Scofield*, 382 U.S. 205, 208 (1965) (“Congress intended to confer intervention rights upon the successful party to the Labor Board proceedings in the court in which the unsuccessful party challenges the Board’s decision.”).

ALU-IBT Local 1 is now also a part of the Teamsters Amazon National Negotiating Committee (“TANNC”), a national bargaining committee created pursuant to the IBT Constitution and comprised of affiliated local unions

representing Amazon employees across the country. *Id.* ¶¶ 9-10. Founded in August 2024, TANNC is empowered to negotiate with Amazon on behalf of its affiliated local unions and their members. *Id.*

Amazon, however, continues to refuse to bargain with Proposed Intervenor ALU-IBT Local 1, or with the TANNC, over the terms and conditions of employment for the JFK8 employees. *Id.* ¶ 11. And rather than allow the unfair labor practice case over that refusal to bargain to make its way to the federal circuit court so that Amazon can challenge the NLRB's certification of the ALU as employees' bargaining representative, Amazon has obtained an administrative stay of those proceedings from the Fifth Circuit by filing constitutional challenges to the NLRB's very ability to continue enforcing the NLRA. *See Amazon.com Services LLC v. NLRB*, 5th Cir. No 24-50761, Dkt. 46-2.

Thus, the NLRB order Amazon seeks to invalidate directly implicates ALU-IBT Local 1's (and TANNC's) interests and the interests of the workers ALU-IBT Local 1 represents, giving ALU-IBT Local 1 the right to intervene in this matter. ALU-IBT Local 1 was directly impacted by the mandatory meetings held by Amazon and by Amazon's unlawful threats, and ALU-IBT Local 1 had to expend time and resources to organize employees and minimize the impact of Amazon's unlawful conduct. Any decision by this Court in favor of Amazon would directly impact ALU-IBT Local 1's ability to maintain support amongst the JFK8 members



who have already been waiting for years to meet Amazon at the bargaining table. In addition, any decision allowing Amazon to return to holding mandatory meetings in the future to espouse its anti-union views will make it more difficult for ALU-IBT Local 1 and the TANNC to win a strong contract for the JFK8 employees. And in fact, a decision in this case will impact other Amazon employees across the country who have or are working towards exercising their right to collectively bargain through the TANNC and other IBT affiliates, which reflects back on the JFK8 employees because a stronger network of unionized Amazon employees will directly affect the ALU-IBT Local 1's and the TANNC's ability to win a strong contract.

Therefore, ALU-IBT Local 1's intervention "ensures fairness," as "the parties to the Board proceedings are able to present their arguments on the issues to a reviewing court which has not crystallized its views." *See Scofield*, 382 U.S. at 213. Additionally, "[p]ermitting intervention in the first review . . . centralizes the controversy and limits it to a single decision, accelerating final resolution. This is in accord with one of the objectives of the Labor Act—the prompt determination of labor disputes." *Id.* at 213.

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For these reasons, Proposed Intervenor ALU-IBT Local 1 respectfully requests that this Court issue an order permitting it to intervene in this proceeding.

Dated: December 19, 2024

  
Julie Gutman Dickinson  
Bush Gottlieb, ALC

*Attorneys for Proposed Intervenor  
Amazon Labor Union–International  
Brotherhood of Teamsters Local 1*

## **DECLARATION OF DAVID O'BRIEN SUETHOLZ**

I, David O'Brien Suetholz, declare as follows:

1. I am General Counsel of the International Brotherhood of Teamsters. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.

2. On information and belief, in about April 2021, workers employed by Amazon.com Services LLC ("Amazon") in Amazon's Staten Island, New York facility known as JFK8 formed the Amazon Labor Union ("ALU") and began efforts to organize the JFK8 facility and another nearby facility known as LDJ5.

3. On information and belief, Amazon responded to these organizing efforts by committing various unfair labor practices, including mandatory captive audience meetings, threats, and discriminatory enforcement of its solicitation policies. The ALU filed unfair labor practice charges against Amazon, including the charges underlying the Board order Amazon seeks review of in this case.

4. On information and belief, Amazon's violations made it more difficult for the ALU to organize and to maintain employee support.

5. On information and belief, the ALU lost its union election at LDJ5. On April 1, 2022, however, employees at JFK8 voted in favor of union representation

by the ALU. Amazon filed objections to the election, which were overruled by the NLRB. The NLRB certified the ALU as the bargaining representative for employees at JFK8 on January 11, 2023.

6. On June 3, 2024, the Amazon Labor Union (“ALU”) and the International Brotherhood of Teamsters (“IBT”) executed an Affiliation Agreement whereby, among other terms, the IBT chartered the ALU as Amazon Labor Union No. 1, International Brotherhood of Teamsters (“ALU-IBT Local 1”).

7. The Affiliation Agreement also states that the parties agree that ALU-IBT Local 1 is the successor in interest to the ALU.

8. The Affiliation Agreement remains in effect today.

9. The Teamsters Amazon National Negotiating Committee (“TANNC”) is a committee of affiliated local unions, currently consisting of ALU-IBT Local 1, Teamsters Local 396 of the International Brotherhood of Teamsters, and Teamsters Local 705 of the International Brotherhood of Teamsters, Teamsters Local 63 of the International Brotherhood of Teamsters, Teamsters Local 728 of the International Brotherhood of Teamsters and Teamsters Local 2785 of the International Brotherhood of Teamsters.

10. The TANNC was founded on August 23, 2024. IBT General President Sean O’Brien is the TANNC’s Chairperson. The TANNC is a national bargaining

committee, created pursuant to the IBT Constitution,<sup>1</sup> which is empowered to negotiate with Amazon.com Services LLC (“Amazon”) on behalf of its affiliated local unions and their members.

11. The ALU, ALU-IBT Local 1, and the TANNC have all demanded that Amazon bargain over the terms and conditions of employment for the JFK8 employees who voted for unionization. To-date, Amazon continues to refuse to bargain with ALU-IBT Local 1 or with TANNC.

12. Amazon employees across the United States are currently engaging in union organizing and other protected activities with the assistance of the IBT and its various local unions. This litigation will impact these employees across the country because these employees are looking to this litigation—and Amazon’s other challenges to the NLRB’s authority—to determine whether their rights will be protected by the NLRB.

13. To date, hundreds of additional employees at other Amazon facilities such as in Palmdale, CA and Skokie, IL have come together and a majority of employees in appropriate bargaining units at those facilities have chosen unionization and, through their affiliate unions, have chosen multi-union bargaining

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<sup>1</sup> See Article XII, pages 89-94 of the IBT Constitution, adopted by the 30th International Convention, June 22-24, 2021. The full text of the IBT Constitution is available online at: <https://teamster.org/wp-content/uploads/2022/03/2021IBTCONSTITUTIONBooklet.pdf>

through the TANNC, which now represents these Amazon workers in collective bargaining with Amazon. Amazon has thus far ignored the requests to bargain made not just by the JFK8 employees, but by these other employees across the country.

14. ALU-IBT Local 1 and the TANNC, on behalf of the Amazon workers who have chosen to be represented by the IBT and its local unions, remain committed to bargaining with Amazon and reaching agreements that benefit the workers who have chosen to unionize with the IBT and its affiliated unions.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 19 day of December, 2024, at Washington, District of Columbia.



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David O'Brien Suetholz

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,  
TYPEFACE REQUIREMENTS AND TYPE-STYLE REQUIREMENTS**

1. This document complies with the type volume and word limits of Fed. R. App. P. 32(c)(1) and Fed. R. App. P. 27(d)(2) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f) and Fed. R. App. P. 27(d)(2), this document contains 940 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 27(d)(1)(E) and Fed. R. App. P. 32(a)(5), and with the type-style requirements of Fed. R. App. P. 27(d)(1)(E) and Fed. R. App. P. 32(a)(6), because this document has been prepared in a proportionally spaced typeface using Microsoft Word for Microsoft 365 MSO in size 14 Times New Roman font.

Dated: December 19, 2024



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Julie Gutman Dickinson  
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*Attorneys for Proposed Intervenor  
Amazon Labor Union–International  
Brotherhood of Teamsters Local 1*

## **CERTIFICATE OF SERVICE**

**Amazon.com Services, LLC**

vs.

**National Labor Relations Board**

**24-13819**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of . My business address is 801 North Brand Boulevard, Suite 950, Glendale, CA 91203-1260.

On December 19, 2024, I served true copies of the following document(s) described as **MOTION FOR LEAVE TO INTERVENE** on the interested parties in this action as follows:

### **SEE ATTACHED SERVICE LIST**

**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Bush Gottlieb's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address izulueta@bushgottlieb.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.



I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on December 19, 2024, at Glendale, California.

/s/ Ian Zulueta  
Ian Zulueta

**SERVICE LIST**  
**Amazon.com Services, LLC**

vs.

**National Labor Relations Board**  
**24-13819**

Jennifer Abruzzo

*Via US Mail*

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